

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Charlotte Division**

IN RE:  BRD LAND & INVESTMENT,  Debtor.	Chapter 11  Case No. 26-30215
IN RE:  BRDL WARDEN STATION, LLC,  Debtor.	Chapter 11  Case No. 26-30214
IN RE:  BRDL WARDEN STATION HOLDING CO LLC,  Debtor.	Chapter 11  Case No. 26-30213

**DEBTORS’ EX PARTE MOTION FOR ENTRY OF AN ORDER (I) SCHEDULING AN EXPEDITED HEARING ON FIRST DAY PLEADINGS AND (II) APPROVING THE FORM AND MANNER OF LIMITED NOTICE THEREOF**

BRD Land & Investment, a South Carolina partnership, BRDL Warden Station Holding Co, LLC and BRDL Warden Station, LLC (collectively, “Debtors”),<sup>1</sup> debtors-in-possession in the above-captioned case, hereby moves (the “Motion”) the Court for entry of an order (the “Order”), on an *ex parte* basis, pursuant to sections 157 and 1334 of Title 28 of the United States Code (the “Bankruptcy Code”): scheduling an expedited hearing on first day pleadings filed by the Debtors

<sup>1</sup> The Debtors in these jointly administered cases are the following entities (the last four digits of their respective taxpayer identification numbers follow in parentheses): BRD Land & Investment, a South Carolina partnership (6940), BRDL Warden Station Holding Co LLC (0184), and BRDL Warden Station, LLC (4687). The Debtors’ address is 6433 Bannington Road, Charlotte, NC 28226.



and approving the form and manner of notice thereof. In support of this Motion, the Debtors respectfully state as follows:

**JURISDICTION**

1. The Court has jurisdiction over the motion pursuant to 28 U.S.C. §§ 157 and 1334. This is a core proceeding within the meaning of 28 U.S.C. § 157(b). Venue of these proceedings and the Motion in this Court is proper under 28 U.S.C. §§ 1408 and 1409.

2. The statutory bases for the relief requested herein are sections are Rule 9006(c) of the Federal Bankruptcy Rules of Procedure and Local Bankruptcy Rule 9006-1.

**BACKGROUND**

3. On February 24, 2026 (the “Petition Date”), Debtors filed voluntary petitions for relief under chapter 11 of the Bankruptcy Code, and contemporaneously therewith, a motion requesting the joint administration of their cases [Docket Nos. 1 and 12]. (the “Chapter 11 Case”). Debtors are operating their businesses and managing their properties as debtors-in-possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No trustee, examiner or statutory committee has yet been appointed in this Chapter 11 Case.

4. In support of this Motion, Debtor relies on the Affidavit of William A. Barbee in Support of First Day Relief (the “Barbee Affidavit”) [Docket No. 12].

**EXPEDITED HEARING AND SHORTENED NOTICE**

5. The Debtors have filed certain pleadings (collectively, the “First Day Pleadings”), on the Petition Date, for which they seek, as described below, certain interim and final relief on an expedited basis.

6. The Debtor seeks relief with respect to the following First Day Pleadings:

- a. Emergency Motion of the Debtors for Interim and Final Orders Authorizing the Debtor to Use Cash Collateral and Granting Related Relief [Docket No. 11];

- b. Debtors' Motion for Entry of Order Authorizing Debtors to Pay Certain Prepetition Taxes and Directing Financial Institutions to Honor and Process Related Checks and Transfers [Docket No. 10];
  - c. Debtors' Motion for Entry of an Order (I) Authorizing the Debtors to Continue Payroll and Payroll-Related Practices, Including Payment or Reimbursement of Certain Prepetition (A) Wages, Salaries, Vacation Pay and Other Compensation and Amounts Withheld from such Compensation; (B) Employee Health Benefits and Similar Benefits; (C) Reimbursement of Employee Expenses; and (D) Payment of All Costs Incident Thereto and (II) Authorizing Applicable Banks and Other Financial Institutions to Receive, Process, Honor and Pay Certain Checks and Transfers [Docket No. 9];
  - d. Debtors' Motion for Entry of an Order (I) Prohibiting Utilities from Altering, Refusing, or Discontinuing Services on Account of Prepetition Invoices; (II) Declaring, on an Interim Basis, that the Utility Companies have Adequate Assurance by Way of Current Payments, and (III) Establishing Procedures for Resolving Requests by Utility Companies for Additional Assurance of Payment [Docket No. 7];
  - e. Debtors' Motion for Order Authorizing (I) Maintenance of the Debtors' Prepetition Bank Accounts and (II) Continued Use of Existing Business Forms [Docket No. 6];
  - f. Debtors' Motion for Order Directing Joint Administration of Related Chapter 11 Cases [Docket No. 3; Case No. 26-0213, Docket No. 3; Case No. 26-030214, Docket No. 3]; and
  - g. Application of the Debtors for an Order Authorizing the Retention and Employment of Kurtzman Carson Consultants, LLC d/b/a Verita Global as Claims, Noticing and Ballot Agent [Docket No. 5].
7. As described in each of the First Day Pleadings, the relief requested in such pleadings is essential to the Debtors' ability to reorganize successfully for the benefit of all creditors and requires in each instance an expedited, emergency hearing.

### NOTICE

8. The Debtors have served each of the First Day Pleadings, and notice of the filing of and hearing on the First Day Pleadings, such notice substantially in the form attached hereto as Exhibit A and incorporated herein by reference (the "First Day Notice"), via first-class United

States Mail and FedEx for overnight delivery on the parties set forth below (collectively, the “First Day Notice Parties”):

- a. The holders of the twenty (20) largest general unsecured claims against Debtor;
- b. The Office of the United States Bankruptcy Administrator for the Western District of North Carolina;
- c. The Internal Revenue Service;
- d. The Office of the United States Attorney for the Western District of North Carolina;
- e. The Debtors’ Utility Companies<sup>2</sup>;
- f. Shumaker Loop & Kendrick, LLP;
- g. Harvey & Vallini, LLC;
- h. DLP Lending Fund, LLC; and
- i. Wells Fargo Bank, N.A.

The Debtors have also provided courtesy copies of the First Day Pleadings by email to parties for which the Debtors regularly communicate by email.

9. The First Day Notice Parties include all parties on whom the First Day Pleadings were served and represent parties on whom the First Day Pleadings may have a direct impact. Given the expedited nature of the relief requested, the Debtors respectfully submit that such service of the First Day Pleadings and First Day Notice is adequate and appropriate under the circumstances.

10. Thus, the Debtors request that service of the First Day Pleadings and First Day Notice in the form and manner described herein be deemed adequate and appropriate under the

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<sup>2</sup> The Utility Companies are individually identified in Debtors’ Motion for Entry of an Order (I) Prohibiting Utilities from Altering, Refusing, or Discontinuing Services on Account of Prepetition Invoices; (II) Declaring, on an Interim Basis, that the Utility Companies have Adequate Assurance by Way of Current Payments, and (III) Establishing Procedures for Resolving Requests by Utility Companies for Additional Assurance of Payment;

circumstances and substantially in compliance with the applicable provisions of the Bankruptcy Code, the Federal Rules of Bankruptcy Procedure, and the Local Bankruptcy Rules.

WHEREFORE, Debtors respectfully request the Court enter an order, substantially in the form attached hereto as Exhibit B (i) scheduling an expedited hearing on the First Day Pleadings; (ii) approving the form and manner of notice thereof; and (iii) such other and further relief to the Debtors as the Court may deem proper.

This the 25th day of February, 2026.

RAYBURN COOPER & DURHAM, P.A.

By: /s/ Matthew L. Tomsic  
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*Proposed Counsel to the Debtors*

**Exhibit A**  
**First Day Notice**

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Charlotte Division**

IN RE:  BRD LAND & INVESTMENT,  Debtor.	Chapter 11  Case No. 26-30215
IN RE:  BRDL WARDEN STATION, LLC,  Debtor.	Chapter 11  Case No. 26-30214
IN RE:  BRDL WARDEN STATION HOLDING CO LLC,  Debtor.	Chapter 11  Case No. 26-30213

**NOTICE OF EXPEDITED HEARING ON FIRST DAY PLEADINGS**

**PLEASE TAKE NOTICE** that the debtors in the above-captioned case (the “Debtors”)<sup>1</sup> have filed voluntary petitions under chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Western District of North Carolina on February 24, 2024, and have filed the following motions (collectively, the “First Day Pleadings”) seeking final relief and the Affidavit of William A. Barbee in Support of First Day Relief [Docket No. 5]:

- a. Emergency Motion of the Debtors for Interim and Final Orders Authorizing the Debtor to Use Cash Collateral and Granting Related Relief [Docket No. 11];

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<sup>1</sup> The Debtors in these jointly administered cases are the following entities (the last four digits of their respective taxpayer identification numbers follow in parentheses): BRD Land & Investment, a South Carolina partnership (6940), BRDL Warden Station Holding Co LLC (0184), and BRDL Warden Station, LLC (4687). The Debtors’ address is 6433 Bannington Road, Charlotte, NC 28226.

- b. Debtors' Motion for Entry of Order Authorizing Debtors to Pay Certain Prepetition Taxes and Directing Financial Institutions to Honor and Process Related Checks and Transfers [Docket No. 10];
- c. Debtors' Motion for Entry of an Order (I) Authorizing the Debtors to Continue Payroll and Payroll-Related Practices, Including Payment or Reimbursement of Certain Prepetition (A) Wages, Salaries, Vacation Pay and Other Compensation and Amounts Withheld from such Compensation; (B) Employee Health Benefits and Similar Benefits; (C) Reimbursement of Employee Expenses; and (D) Payment of All Costs Incident Thereto and (II) Authorizing Applicable Banks and Other Financial Institutions to Receive, Process, Honor and Pay Certain Checks and Transfers [Docket No. 9];
- d. Debtors' Motion for Entry of an Order (I) Prohibiting Utilities from Altering, Refusing, or Discontinuing Services on Account of Prepetition Invoices; (II) Declaring, on an Interim Basis, that the Utility Companies have Adequate Assurance by Way of Current Payments, and (III) Establishing Procedures for Resolving Requests by Utility Companies for Additional Assurance of Payment [Docket No. 7];
- e. Debtors' Motion for Order Authorizing (I) Maintenance of the Debtors' Prepetition Bank Accounts and (II) Continued Use of Existing Business Forms [Docket No. 6];
- f. Debtors' Motion for Order Directing Joint Administration of Related Chapter 11 Cases [Docket No. 3]; and
- g. Application of the Debtors for an Order Authorizing the Retention and Employment of Kurtzman Carson Consultants, LLC d/b/a Verita Global as Claims, Noticing and Ballot Agent [Docket No. 5].

**PLEASE TAKE NOTICE** that a hearing to consider the First Day Pleadings and the relief requested therein will be held on Monday, March 2, 2026, at the United States Bankruptcy Court for the Western District of North Carolina, Charlotte Division, Courtroom 2A, 401 West Trade Street, Charlotte, North Carolina 28202 at 10:30 a.m. (EDT).

*[Remainder of Page Intentionally Left Blank]*

This the 25th day of February, 2026.

RAYBURN COOPER & DURHAM, P.A.

By: /s/ Matthew L. Tomsic  
Matthew L. Tomsic  
N.C. State Bar No. 52431  
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*Proposed Counsel to the Debtors*

**Exhibit B**  
**Proposed Order**

**UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
Charlotte Division**

IN RE:  BRD LAND & INVESTMENT,  Debtor.	Chapter 11  Case No. 26-30215
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IN RE:  BRDL WARDEN STATION HOLDING CO LLC,  Debtor.	Chapter 11  Case No. 26-30213

**ORDER SCHEDULING AN EXPEDITED HEARING ON FIRST DAY PLEADINGS  
FILED BY THE DEBTORS AND APPROVING THE FORM AND MANNER OF  
LIMITED NOTICE THEREOF**

Upon review of the *ex parte* motion (the “Motion”)<sup>2</sup> of BRD Land & Investment, a South

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<sup>2</sup> Capitalized terms used but not otherwise defined shall have the meanings set forth in the Motion.

Carolina partnership, BRDL Warden Station Holding Co., LLC and BRDL Warden Station, LLC (collectively, “Debtors”),<sup>3</sup> debtors and debtors-in-possession in the above-captioned case, for entry of an order, pursuant to 28 U.S.C. § 157 and 1334, scheduling an expedited hearing on the First Day Pleadings and approving the form and manner of notice thereof; and it appearing that the relief requested by the Motion is in the best interests of the Debtors’ estates, their creditors, and other parties-in-interest; and after due deliberation and sufficient cause appearing therefore;

IT IS HEREBY ORDERED THAT:

1. The Motion is GRANTED.
2. An expedited hearing to consider granting final relief shall be held on Monday, March 2, 2026 at the United States Bankruptcy Court for the Western District of North Carolina, Charlotte Division, 401 West Trade Street, Courtroom 2A, Charlotte, North Carolina, 28202 at 10:30 a.m. (EDT), on the following First Day Pleadings:
  - a. Emergency Motion of the Debtors for Interim and Final Orders Authorizing the Debtor to Use Cash Collateral and Granting Related Relief [Docket No. 11];
  - b. Debtors’ Motion for Entry of Order Authorizing Debtors to Pay Certain Prepetition Taxes and Directing Financial Institutions to Honor and Process Related Checks and Transfers [Docket No. 10];
  - c. Debtors’ Motion for Entry of an Order (I) Authorizing the Debtors to Continue Payroll and Payroll-Related Practices, Including Payment or Reimbursement of Certain Prepetition (A) Wages, Salaries, Vacation Pay and Other Compensation and Amounts Withheld from such Compensation; (B) Employee Health Benefits and Similar Benefits; (C) Reimbursement of Employee Expenses; and (D) Payment of All Costs Incident Thereto and (II) Authorizing Applicable Banks and Other Financial Institutions to Receive, Process, Honor and Pay Certain Checks and Transfers [Docket No. 9];

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<sup>3</sup> The Debtors in these jointly administered cases are the following entities (the last four digits of their respective taxpayer identification numbers follow in parentheses): BRD Land & Investment, a South Carolina partnership (6940), BRDL Warden Station Holding Co LLC (0184), and BRDL Warden Station, LLC (4687). The Debtors’ address is 6433 Bannington Road, Charlotte, NC 28226.

- d. Debtors' Motion for Entry of an Order (I) Prohibiting Utilities from Altering, Refusing, or Discontinuing Services on Account of Prepetition Invoices; (II) Declaring, on an Interim Basis, that the Utility Companies have Adequate Assurance by Way of Current Payments, and (III) Establishing Procedures for Resolving Requests by Utility Companies for Additional Assurance of Payment [Docket No. 7];
  - e. Debtors' Motion for Order Authorizing (I) Maintenance of the Debtors' Prepetition Bank Accounts and (II) Continued Use of Existing Business Forms [Docket No. 6];
  - f. Debtors' Motion for Order Directing Joint Administration of Related Chapter 11 Cases [Docket No. 3]; and
  - g. Application of the Debtors for an Order Authorizing the Retention and Employment of Kurtzman Carson Consultants, LLC d/b/a Verita Global as Claims, Noticing and Ballot Agent [Docket No. 5].
3. The First Day Notice was appropriately served, in substantially the form attached

to the Motion as Exhibit A, on the First Day Notice Parties. No further notice is necessary.

4. The Court shall retain jurisdiction with respect to all matters relating to the interpretation or implementation of this Order.

This Order has been signed electronically. The judge's signature and court's seal appear at the top of the Order.

United States Bankruptcy Court